Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 019-00985-2171-057	Date: 01/20/19	Time: 1435	
Location: [redacted] East 66th Street	City or Station: Los Angeles		
Bureau/Station/Facility: Central Patrol / Century Station	Admin. Investigation: ○ YES ◉ NO		
Type of Force: Impact Weapon (flashlight), Personal Weapons (hands), Control Holds, Take down			
Incident Category: ○ 1 ○ 2 ◉ 3	Deputy Injury: ○ YES ◉ NO	Suspect Injury ◉ YES ○ NO	
☒ Call	☐ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉ YES ○ NO	Person Notified: Lt. Roberta Granek	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee #: [redacted]	Last Name: Agostino	First Name: Kfleyesus	Middle I.:	Rank: DSG
Sex: ◉ M ○ F	Race: B	Height: 510	Weight: 160	Age: [redacted]
Shift: ○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty			
Unit of Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 216D			
Individual Force Used: Control holds, Take down	○ Directed ○ Rescue ○ Medical Assist	Individual Category: ○ 1 ○ 2 ◉ 3		
☐ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #:		

E2

Employee #: [redacted]	Last Name: Ruiz	First Name: Miguel	Middle I.:	Rank: DSG
Sex: ◉ M ○ F	Race: H	Height: 511	Weight: 200	Age: [redacted]
Shift: ○ EM ○ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty			
Unit of Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 216D1			
Individual Force Used: Impact weapon (flashlight), Control holds	○ Directed ○ Rescue ○ Medical Assist	Individual Category: ○ 1 ◉ 2 ○ 3		
☐ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #:		

E3

Employee #: [redacted]	Last Name: Connolly	First Name: Shane	Middle I.:	Rank: DSG
Sex: ◉ M ○ F	Race: W	Height: 508	Weight: 150	Age: [redacted]
Shift: ○ EM ○ Day ○ PM	○ Regular Shift ○ OT Shift ○ Off Duty			
Unit of Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 216D1			
Individual Force Used: Personal weapons (fists), Take down	○ Directed ○ Rescue ○ Medical Assist	Individual Category: ○ 1 ◉ 2 ○ 3		
☐ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #:		

On Duty Supervisor ☐ Additional Involved Employees

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Varela	Andrea	L.	SGT	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Maxwell	Michael	L	SGT	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp #	Last Name	First Name	Middle I.	Rank
[redacted]	Antuna	Phyllis	L.	LT

Watch Commander / Supervising Lieutenant's **Signature:** [signature] Date: 5-23-19

Copy Provided to Employee by: [redacted] Emp #: Date: 6/12/19

KELLY POROWSKI

Unit Commander **(Print Name)**

Unit Commander's **Signature:** [signature]

DISCOVERY Use Only

FO# 2473589

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

0 1 9 - 0 0 9 8 5 - 2 1 7 1 - 0 5 7

Suspect Information

S__

Last Name: Gutierrez | First Name: Daniel | Middle Name: | Armed? Select: Not Armed

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: H | Age: 36 | Height: 508 | Weight: 177 | D.O.B.: 7-16-82 | Phone #1: ( ) H ( ) W (●) C [redacted] | Phone #2: ( ) H ( ) W ( ) C [redacted]

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 5525591 | Primary Charge Code: 245 (c) PC | Secondary Charge Code: 69 PC | [redacted] Criminal History

Treated on Scene? (●) YES ( ) NO | Name: LACFD | Unit: Engine 9 | Phone #:

Hospital Admission? ☒ | Rec'd Treatment At: Martin Luther King Jr | Coroner Case #: N/A | Mental History ☐ User's guide provides direction on this entry

By: Dr. Pacheco / 001135995 | Address: 1680 E 120th St, Los Angeles, CA 90059 | Phone #: 424-338-8000

Under Influence: (●) YES ( ) NO | Substance: Alcohol | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: 1/21/19 | Time: 1520 | ☐ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

019 - 00985 - 2171 - 057

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Reyes	Francisco	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Century Station	216D	◯ EM ◯ Day ◉ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		◯ EM ◯ Day PM	◯ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		[redacted]	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force

019 - 00985 - 2171 - 057

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Gutierrez	S1	Kfleyesus	E1	HR	NN	NN
"	"	"	"	PH	NN	SH
"	"	"	"	UC	NN	NN
"	"	Ruiz	E2	HR	NN	NN
"	"	"	"	PH	NN	NN
"	"	"	"	UC	NN	NN
"	"	Connolly	E3	HR	NN	NN
"	"	"	"	PH	NN	NN
"	"	"	"	UC	NN	NN
Kfleyesus	E1	Gutierrez	S1	CT	NN	AR
"	"	"	"	TT	DI	EL
Ruiz	E2	"	"	FL	AB	LE
"	"	"	"	TT	AB	SH
Connolly	E3	"	"	PH	AB	FA
"	"	"	"	TT	AB	LE

SHERIFF'S DEPARTMENT
INVESTIGATIVE SUMMARY

INCIDENT:	**Use of Force, Dislocated Elbow**
IAB FILE NUMBERS:	**FO 2473589**
URN#:	**019-00985-2171-057**
DATE/TIME:	**January 20, 2019, 1533 Hours**
LOCATION:	**[redacted] E. 66th Street, Los Angeles**

On January 21, 2019, an Internal Affairs Bureau (IAB) Force/Shooting Response Team comprised of Sergeant Michael Maxwell, and Sergeant Connie Delgado, responded to Century Station regarding a Category 3 use of force; wherein, the suspect sustained a dislocated elbow.

SYNOPSIS

The following narrative includes summarized statements as provided by all involved employees. Additional information and precise wording may be obtained by reviewing the audio recorded interviews and verbatim transcriptions submitted within this case.

On January 20, 2019, at approximately 1533 hours, Deputies Kfleyesus Agostino, Francisco Reyes, Miguel Ruiz, and Shane Connolly, responded to a family disturbance call at [redacted] E. 66th Street, Los Angeles.

> **IAB Note:** Deputies Agostino and Reyes were working Unit 216D, a two man patrol car. Deputies Ruiz and Connolly were working Unit 216D1, a two man patrol car.

> **IAB Note:** Prior to their arrival, Deputy Agostino coordinated a response with unit 216D1. A tactical plan was discussed and both units responded to the location together.

Upon their arrival deputies saw a male Hispanic, Suspect Daniel Gutierrez, inside of the fenced front yard of the location. Suspect Gutierrez was described as bloody, sweaty and possibly under the influence of alcohol.

The informant, Witness [redacted] was standing on the sidewalk in front of the location, when she was contacted by Deputy Reyes. Witness [redacted] said her [redacted]

Suspect Gutierrez, had been drinking all day and began throwing things around the house. Witness [redacted] said she locked the suspect outside, but he broke a window and climbed back into the house, cutting himself in the process. Witness [redacted] left the house with her [redacted] and went to the front yard. Witness [redacted] used a bike lock and secured the front gate in an effort to contain the suspect until deputies arrived. Suspect Gutierrez began yelling obscenities and challenging their neighbors to fight.

IAB Note: The property was surrounded by a chain link fence approximately six feet high. Thin pieces of bamboo where attached to the fence which obscured the front yard.

As Deputies Reyes and Agostino spoke with the witness, she unlocked the gate. The suspect "rushed the gate" and kicked it open, nearly striking Deputy Reyes. Deputy Reyes gave the suspect verbal commands to calm down and place his hands behind his back. Suspect Gutierrez said, "No, fuck you," took a fighting stance, raised his clenched fists and threw several punches at Deputy Agostino. Deputy Agostino was struck by the suspect on his left shoulder.

Deputy Connolly reacted immediately by punching the suspect three to four times with a fist to the left side of the suspect's face. Deputy Connolly gave the suspect several verbal commands to stop fighting which he ignored. Deputy Connolly's punches had no effect on the suspect. Deputy Agostino used a "hammer lock" in an attempt to control the suspects left arm and prevent him from continuing his assault. Deputy Agostino said the suspect continued to resist his efforts to control him.

IAB Note: A hammer lock is a Department approved control technique used to subdue an actively resisting suspect/inmate. This technique is commonly used at the point of handcuffing. Once applied, a suspect can either be directed to the ground or escorted in a standing position.

Deputy Ruiz saw the suspect strike Deputy Agostino on the left shoulder and ran to assist his partner. Deputy Ruiz had his flashlight in his hand and struck the suspect once on the right shoulder, two to three time on the right thigh, and two to three times on the right shin. The flashlight strikes had no effect on the suspect as he continued to fight against the deputies' efforts to control him.

Deputies Agostino, Connolly and Ruiz conducted a team takedown of Suspect Gutierrez. The takedown was conducted in a small puddle of water which caused the deputies and suspect to fall to the ground. Suspect Gutierrez landed on his chest with Deputy Ruiz landing on top of the suspect back. Deputies Agostino, Connolly and Ruiz said they were able to maintain a grip on the suspect during the takedown. Once on the ground, Suspect Gutierrez said "Okay, I'm done." Deputies Agostino, Connolly and Ruiz were able to handcuff the suspect without further incident.

Deputies Agostino and Connolly assisted Suspect Gutierrez to his feet, escorted to and placed in the backseat of a patrol car. While awaiting the arrival of fire personnel, Deputy Agostino said the suspect struck his head several times against the screen in the backseat of the patrol car. Deputy Agostino ordered the suspect to stop and he complied.

All reports documenting this incident were submitted **[EXHIBIT A]**.

Century Station watch commander, Lieutenant Phyllis Antuna, #[redacted] responded to Century Regional Detention Facility to conduct a digitally recorded interview of Suspect Gutierrez **[EXHIBIT B]**.

Suspect Gutierrez was transported to Martin Luther King Jr. Community Hospital for further medical treatment. Suspect Gutierrez was diagnosed with acute alcohol intoxication, acute delirium, a closed displaced fracture of the right ulna and a closed posterior dislocation of the right elbow. Suspect Gutierrez also sustained abrasions to his nose, left shoulder and right shin as a result of this incident. Suspect Gutierrez' injuries were documented in his medical records **[EXHIBIT C]**.

INVOLVED EMPLOYEE AND WORK HISTORY

Kfleyesus Agostino, Deputy Sheriff, #[redacted]
Central Patrol
Century Sheriff's Station

Work History

Date of Employment:	August 21, 2017
Date Assigned to Century Station:	November 18, 2018
Date Completed Patrol Training:	[redacted]
Prior founded force incidents:	

Equipment Worn On Person

Oleoresin Capsicum (OC) Spray
Handcuffs
Radio
Baton
Tazer
Smith & Wesson, M&P 9mm

Miguel Ruiz, Deputy Sheriff, #[redacted]
Central Patrol
Century Sheriff's Station

Work History

Date of Employment:	January 25, 2006

Date Assigned to Century Station: May 27, 2012
Date Completed Patrol Training: [redacted]
Prior founded force incidents: [redacted]

Equipment Worn On Person
Oleoresin Capsicum (OC) Spray
Handcuffs
Radio
Baton
Tazer
Flashlight
Utility Knife
Smith & Wesson, M&P 9mm

Shane Connolly, Deputy Sheriff, #[redacted]
Central Patrol
Century Sheriff's Station

Work History
Date of Employment: October 3, 2013
Date Assigned to Men's Central Jail: February 12, 2017
Date Completed Patrol Training: [redacted]
Prior founded force incidents: [redacted]

Equipment Worn On Person
Oleoresin Capsicum (OC) Spray
Handcuffs
Radio
Baton
Tazer
Flashlight
Glock, 19X 9mm

SUSPECT INFORMATION
Daniel Gutierrez
Male, Hispanic, DOB: July 16, 1982, 5'08", 177 pounds
[redacted]
CII #[redacted] MAIN #[redacted] FBI #[redacted]

IAB Note: A copy of Suspect Gutierrez' criminal history is included [EXHIBIT D].

SUSPECT'S INJURIES

Suspect Gutierrez was diagnosed with acute alcohol intoxication, acute delirium, a closed displaced fracture of the right ulna and a closed posterior dislocation of the right elbow. Suspect Gutierrez also sustained abrasions to his nose, left shoulder and right shin as a result of this incident **EXHIBIT B**.

DEPUTY PERSONNEL INJURIES

None.

PHYSICAL EVIDENCE

None

INVESTIGATOR'S OBSERVATIONS

24 hours transpired from the use of force to IAB investigator's observations.

WEAPON USED BY DEPUTIES

None

WEAPONS USED BY SUSPECT DANIEL GUTIERREZ

None

CRIMINAL INVESTIGATOR AND CHARGES FILED

INVESTIGATOR: Detective Steven Nobles, Century Station

COURT: Los Angeles Metropolitan Court

CHARGES: 243(B) P.C. Battery on a Police Officer and 148(A)(1) P.C. Resisting Arrest, were filed against Suspect Gutierrez

LIGHTING AND WEATHER CONDITIONS

The location was outdoors and well lit.

WITNESS STATEMENTS

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

INVOLVED DEPUTY KFLEYESUS AGOSTINO

On February 4, 2019, Deputy Agostino was interviewed by Internal Affairs Investigators.

Deputy Agostino was working with his [redacted] Deputy Reyes, when they received a call for service at [redacted] E. 66th Street. They responded to the location with Deputies Connolly and Ruiz. Upon arriving at the location, Deputy Agostino heard

someone yelling and saw a male Hispanic (later identified as Suspect Gutierrez), wearing plaid shorts and no shirt, standing on the front porch of the location. Deputy Agostino noticed Suspect Gutierrez had some blood on his hands and chest. The front of the location was surrounded by a wrought iron fence and entry gate **[TRANSCRIBED INTERVIEW PAGES 3-5]**.

Suspect Gutierrez began yelling "If you guys come inside, I'm going to fight you." Deputy Agostino described the suspect's demeanor as "pretty aggressive" and he further stated "You could tell he was drunk." Suspect Gutierrez approached the fence and kicked open the gate. Deputy Agostino said the gate nearly struck his partner, Deputy Ruiz. Suspect Gutierrez took a fighting stance and refused verbal orders to stop and turn around. Suspect Gutierrez swung his right fist and struck, Deputy Agostino's left shoulder" **[TRANSCRIBED INTERVIEW PAGES 5-6]**.

Deputy Agostino took control of Suspect Gutierrez' left arm and placed it into a "hammer lock" while his partners, Deputies Connolly and Ruiz, "attempted to control the suspect". Deputy Agostino heard one of his partners say "Let's take him down, let's take him down." A team takedown was performed, Suspect Gutierrez landed on the ground face down. Once on the ground, Suspect Gutierrez said "I'm done." Suspect Gutierrez was handcuffed without further incident. Deputy Agostino reported his force to Sergeant Varella **[TRANSCRIBED INTERVIEW PAGES 6-9]**.

INVOLVED DEPUTY SHANE CONNOLLY

On February 4, 2019, Deputy Connolly was interviewed by Internal Affairs Investigators.

Deputy Connolly was working with his partner, Deputy Ruiz, when they received a call for service at [redacted] E. 66th Street. Deputy Connolly stated they were assisting Deputy Agostino and Deputy Reyes, who handled the call. Deputy Connolly said the front of the location was surrounded by a wrought iron fence with an entry gate which was closed. The suspect had his shirt off, shouted profanities and paced back and forth in the front yard" **[TRANSCRIBED INTERVIEW PAGES 3-4]**.

The suspect suddenly charged the front gate and kicked it open. Simultaneously, the suspect swung his fists at Deputy Connolly and his partners. Deputy Connolly punched the suspect three to four times with his right fist on the left side of the suspect's face. The suspect ignored several verbal commands to stop fighting.

Deputy Connolly heard his partner, Deputy Ruiz, tell them to perform a takedown. Deputy Connolly grabbed the suspect left arm with both hands, placed his right foot in front of the suspect' left foot and used his body weight to push the suspect to the ground. Once on the ground, Deputy Connolly heard the suspect say "I'm done." The suspect was handcuffed and treated for his injuries. Deputy Connolly said the entire incident happened within sixty seconds. Deputy Connolly reported his force to Sergeant Varella" **[TRANSCRIBED INTERVIEW PAGES 5-8]**.

INVOLVED DEPUTY MIGUEL RUIZ

On February 4, 2019, Deputy Ruiz was interviewed by Internal Affairs Investigators.

Deputy Ruiz was working with his partner, Deputy Connolly, when they received a call for service at [redacted] E. 66th Street. Deputy Ruiz stated they were assisting Deputy Agostino and Deputy Reyes, who handled the call. Deputy Ruiz observed the suspect walking back and forth between the gate and front door of the location. Deputy Ruiz described the suspect as "very, very agitated and angry" **[TRANSCRIBED INTERVIEW PAGES 3-4]**.

Deputy Ruiz said the suspect rushed toward the gate, kicked it open and struck Deputy Agostino on his left shoulder with his fist. Deputy Ruiz had his flashing in his hand and struck the suspect with his flashlight several times. The strikes appeared to have no effect in stopping the suspect assault. Deputy Ruiz then grabbed the suspect's right wrist and swept the suspect's right foot as Deputy Connolly swept the suspect's left foot. The suspect was taken to the ground an immediately say "Okay, I'm done." The suspect was handcuffed and treated for his injuries. Deputy Ruiz reported his for to Sergeant Varella. **[TRANSCRIBED INTERVIEW PAGES 4-7]**.

WITNESS DEPUTY FRANCISCO REYES

On February 4, 2019, Deputy Reyes was interviewed by Internal Affairs Investigators.

Deputy Reyes was working with his partner, Deputy Agostino, when they received a call for service at [redacted] E. 66th Street. Witness Reyes said upon arrival, they contacted the informant on the call, Witness [redacted] who pointed out the suspect. Deputy Reyes said the location was enclosed by a wrought iron fence which had bamboo fencing around it. The bamboo partially obstructed his view of the location.

The suspect was "yelling incoherently at the neighbors." Deputy Reyes observed the suspect bleeding from his hands and upper chest area. Deputy Reyes described the suspect's behavior as, "pretty agitated." Deputy Reyes asked the suspect if he needed any medical attention. The suspect replied "No, fuck you" **[TRANSCRIBED INTERVIEW PAGES 3-5]**.

While speaking with Witness [redacted] she unexpectedly unlocked the front gate. The suspect advanced toward the gate and kicked it open. Deputy Reyes said the gate "swang violently towards me." Deputy Reyes had to jump out of the way to avoid being struck by the gate. Deputy Reyes gave the suspect verbal commands to calm down, turn around, and place his hands behind his back. The suspect took a "defensive stance" and said, "No, fuck you," and starting swinging his fists at Deputy Agostino, striking him on the shoulder **[TRANSCRIBED INTERVIEW PAGES 5-6]**.

Deputy Reyes continued to give the suspect verbal commands to "calm down" as Deputy Connolly engaged the suspect, hitting the suspect "a couple of time." Deputy Reyes was not sure where or how many ties Deputy Connolly struck the suspect.

Deputy Reyes said Deputies Agostino, Connolly and Ruiz performed a takedown of the suspect. He did not see the takedown as his attention was drawn toward Witness [redacted] Deputy Reyes was concerned Witness [redacted] might attempt to interfere with his partners.

Deputy Reyes said the suspect was handcuffed and escorted to the back of a patrol car. Deputy Reyes saw the suspect was bleeding and his elbow appeared "a little deformed." Deputy Reyes used his handheld radio and requested paramedics and a sergeant to respond to their location. Deputy Reyes reported the force he witnessed to Sergeant Varella **[TRANSCRIBED INTERVIEW PAGES 6-10]**.

WITNESS [redacted]

On January 20, 2019, Witness [redacted] was interviewed by Century Station Sergeant Varella, Witness [redacted] said she called Century Station because her [redacted] Suspect Gutierrez was intoxicated and she wanted him to be taken to "the drunk tank."

Witnesses [redacted] said Suspect Gutierrez started drinking alcohol around 12:30 or 1:00 in the afternoon. Once the deputies arrived, Witness [redacted] made contact with them. While explaining the situation, Suspect Gutierrez starting yelling "What the fuck you gonna do." Suspect Gutierrez pushed the gate open toward the deputies who were standing on the sidewalk. Witness [redacted] did not see the gate strike any of the deputies.

Suspect Gutierrez exited the front yard, agitated, yelling at the deputies. Witness [redacted] said three deputies were attempting to restrain Suspect Gutierrez and eventually took him to the ground. Witness [redacted] told Suspect Gutierrez to stop fighting with the deputies. Suspect Gutierrez was handcuffed and placed in the back of a patrol car. The interview was recorded and submitted **[Exhibit B]**.

SUSPECT DANIEL GUTIERREZ

Suspect Gilbert was interviewed by Internal Affairs Bureau investigators, on January 20, 2019, at approximately 1520 hours.

Suspect Gutierrez said he woke up on the day of the incident and started cleaning his house. While he cleaned, Suspect Gutierrez said remembered drinking five shots of tequila. Suspect Gutierrez had no recollection of the incident beyond drinking the tequila shots. He was unaware of how he sustained his injuries. Suspect Gutierrez said the first thing he remembered was being at Century Station jail.

The interview was recorded and submitted **[EXHIBIT B]**.

ADDITIONAL INFORMATION

On March 8, 2019, Suspect Gutierrez plead No contest to one count of battery on a Police Officer, 243(B) PC and two counts of Resisting Arrest, 148(A)(1) PC.